

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 185      Session of  
2005

---

INTRODUCED BY STAIRS, CALTAGIRONE, CORNELL, CRAHALLA, CREIGHTON,  
DALEY, J. EVANS, GEIST, GEORGE, HERSHEY, KENNEY, LEACH,  
LEDERER, MANDERINO, MCGILL, MELIO, PRESTON, REICHLEY, SEMMEL,  
E. Z. TAYLOR, WILT, YOUNGBLOOD, CAUSER, SURRA, DENLINGER,  
ALLEN, BELARDI, SIPTROTH, MCGEEHAN AND FLEAGLE,  
FEBRUARY 1, 2005

---

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 1, 2006

---

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for ~~school district~~ <—  
6 ~~notification of residential development and for contracts for~~  
7 ~~competitive food or beverage contracts; further providing for~~  
8 ~~funding for charter schools, for cyber charter school~~  
9 ~~requirements and prohibitions and for enrollment and~~  
10 ~~notification; and providing for free and reduced price school~~  
11 ~~lunches for certain students.~~ COMPETITIVE FOOD OR BEVERAGE <—  
12 CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND  
13 BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN  
14 HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING  
15 FOR LOCAL WELLNESS POLICIES, FOR AN INTERAGENCY COORDINATING  
16 COUNCIL FOR CHILD HEALTH AND NUTRITION, FOR DUTIES OF THE  
17 DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND  
18 FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 ~~Section 1. The act of March 10, 1949 (P.L.30, No.14), known~~ <—  
22 ~~as the Public School Code of 1949, is amended by adding an~~  
23 ~~article to read:~~

1 ~~ARTICLE II A~~

2 ~~NOTIFICATION OF RESIDENTIAL DEVELOPMENT~~

3 ~~Section 201 A. Definitions.~~

4 ~~The following words and phrases when used in this article~~  
5 ~~shall have the meanings given to them in this section unless the~~  
6 ~~context clearly indicates otherwise:~~

7 ~~"Applicant." A landowner or developer who has filed an~~  
8 ~~application for development with a governing body. The term~~  
9 ~~includes the landowner's or developer's heirs, successors and~~  
10 ~~assigns.~~

11 ~~"Application for development." Every application, whether~~  
12 ~~preliminary, tentative or final, required by law or ordinance to~~  
13 ~~be filed and approved prior to start of construction or~~  
14 ~~development, including, but not limited to, an application for a~~  
15 ~~building permit, for the approval of a subdivision plat or plan~~  
16 ~~or for the approval of a residential development plan.~~

17 ~~"Developer." Any landowner, agent of the landowner or tenant~~  
18 ~~with the permission of the landowner, who makes or causes to be~~  
19 ~~made a subdivision of land or a land development.~~

20 ~~"Governing body." The council in cities, boroughs and~~  
21 ~~incorporated towns; the board of commissioners in townships of~~  
22 ~~the first class; the board of supervisors in townships of the~~  
23 ~~second class; the board of commissioners in counties; or as may~~  
24 ~~be designated in the law providing for the form of government.~~

25 ~~"Landowner." The legal or beneficial owner or owners of~~  
26 ~~land, including the holder of an option or contract to purchase,~~  
27 ~~whether or not such option or contract is subject to any~~  
28 ~~condition, a lessee if the lessee is authorized under the lease~~  
29 ~~to exercise the rights of the landowner or other person having a~~  
30 ~~proprietary interest in land.~~

~~"Planned residential development." An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.~~

~~"Planning agency." A planning commission, planning department or a planning committee of the governing body.~~

~~"Plat." The map or plan of a subdivision or land development, whether preliminary or final.~~

~~"Residential development plan." The provisions for residential development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions for residential development" when used in this section shall mean the written and graphic materials referred to in this definition.~~

~~"School district." Includes school districts of all classes.~~  
~~Section 202 A. Notification of subdivision and land development in school districts.~~

~~An applicant shall send via certified mail return receipt requested, within five days after filing with a governing body or planning agency, a copy or summary of the application for preliminary approval of a residential development plan to the superintendent of the school district wherein the residential development plan is proposed. A summary shall include, but not~~

~~be limited to, the location of the development, the number and types of units to be included in the development and the proposed construction schedule of the development and where required by local ordinance to be included in the application, an economic assessment of the proposed development. The applicant shall provide a copy of the return receipt to the governing body showing compliance with this section.~~

~~Section 203 A. School district comments.~~

~~The school district may submit written comments, within 30 days after receipt of the copy or summary of the application, to the governing body or planning agency that is considering the residential development plan. If the governing body or planning agency does not receive the written comments from the school district within 30 days, the governing body or planning agency shall proceed with consideration of the application. Nothing in this section shall empower the school district with any authority to approve or deny any application for approval of a plat.~~

~~Section 2. The act is amended by adding a section to read:~~

~~Section 504.1. Competitive Food or Beverage Contracts. (a) Exclusive competitive food or beverage contracts may not be entered into or renewed by the district or a school within the district unless the board of the school district provides reasonable public notice or holds a public hearing about the contract. As used in this subsection, "reasonable public notice" shall mean providing notice to all parents or guardians utilizing normal school communication procedures at least 30 days prior to the school entering into an exclusive competitive food or beverage contract. The notice must include guidance for parents or guardians on how to offer public comment to the~~

~~school regarding the contract.~~

~~(b) Contracts prohibiting a school district employe from  
disparaging the goods or services of the party contracting with  
the school board may not be entered into by any school board.~~

~~(c) Any contract entered into under this section may not  
include a confidentiality clause prohibiting a school or school  
district from making any part of the contract public. Contracts  
entered into or renewed under this section shall be made  
accessible to the public pursuant to section 2 of the act of  
June 21, 1957 (P.L.390, No.212), referred to as the Right to  
Know Law.~~

~~(d) The school board shall report to the parents and the  
community the amounts and specific sources of funds received and  
the nature of expenditures made from funds received from  
competitive food or beverage contracts at a regularly scheduled  
board meeting, a public hearing or on the district's Internet  
website.~~

~~(e) Advertising, products or services on a nonexclusive  
basis may be sold only with the approval of the school board.~~

~~(f) The school board may post signs publicly expressing the  
district's appreciation of a business or person for their  
support of the district's educational programs.~~

~~(g) As used in this section, the term "competitive food"  
means any food or beverages offered or sold in competition with  
reimbursable meals served under the National School Lunch or  
School Breakfast Program.~~

~~Section 3. Section 1725 A(a) of the act, amended June 29,  
2002 (P.L.524, No.88), is amended to read:~~

~~Section 1725 A. Funding for Charter Schools. (a) Funding  
for a charter school shall be provided in the following manner:~~

~~(1) There shall be no tuition charge for a resident or nonresident student attending a charter school except for students at cyber charter schools who do not meet the residency requirements of clause (2).~~

~~(2) For non special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.~~

~~Notwithstanding any other provision of law to the contrary, in the case of cyber charter schools, for the purposes of this clause a student is a resident of a school district only if both of the following criteria are met:~~

~~(i) it is the school district in which his parents or the guardian of his person resides; and~~

~~(ii) it is the school district in which the student sleeps at least one hundred eighty three (183) nights of the year during which payment is made.~~

~~(3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non special education student as provided in clause (2), plus an additional amount determined by dividing the district of~~

~~residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.~~

~~(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.~~

~~(5) Payments shall be made to the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school, from any and all State payments made to the district after receipt of documentation from the charter school.~~

~~(6) Within thirty (30) days after the secretary makes the deduction described in clause (5), a school district may notify the secretary that the deduction made from State payments to the district under this subsection is inaccurate. The secretary shall provide the school district with an opportunity to be~~

~~heard concerning whether the charter school documented that its students were enrolled in the charter school, the period of time during which each student was enrolled, the school district of residence of each student and whether the amounts deducted from the school district were accurate.~~

          \*          \*          \*

~~Section 4. Section 1743 A of the act is amended by adding a subsection to read:~~

~~Section 1743 A. Cyber charter school requirements and prohibitions.~~

\*\*\*

~~(a.1) Truancy. In order to enroll a student, the school district in which the student is a resident must certify to the cyber charter school that the student is in compliance with section 1327.~~

    \*    \*    \*    

~~Section 5. Section 1748 A(a) of the act is amended by adding a paragraph to read:~~

~~Section 1748 A. Enrollment and notification.~~

~~(a) Notice to school district.~~

    \*    \*    \*    

~~(3) When a school district has received notice under paragraph (1), the school district shall certify to the cyber charter school whether the student is in compliance with section 1327.~~

    \*    \*    \*    

~~Section 6. The act is amended by adding a section to read:~~

~~Section 2505.2. Supplemental Funding for School Lunches.~~

~~Notwithstanding Federal funding of school lunches for individuals who qualify for free or reduced price lunches, there~~

~~shall be a supplement from the General Fund annually to achieve the following:~~

~~(1) Individuals who live at or under one hundred eighty five per centum (185%) of the Federal poverty guideline shall receive free school lunch each school day.~~

~~(2) Individuals who live between one hundred eighty five per centum (185%) and two hundred fifty per centum (250%) of the Federal poverty guideline shall receive school lunch each school day at the reduced price specified under Federal guidelines.~~

~~Section 7. This act shall take effect as follows:~~

~~(1) The addition of section 504.1 of the act shall take effect in 180 days.~~

~~(2) The remainder of this act shall take effect in 60 days.~~

SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 504.1. COMPETITIVE FOOD OR BEVERAGE CONTRACTS.--(A)  
(1) A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OR ANY OF THE SCHOOLS UNDER ITS JURISDICTION SHALL NOT ENTER INTO AN EXCLUSIVE COMPETITIVE FOOD OR BEVERAGE CONTRACT UNLESS THE BOARD OF SCHOOL DIRECTORS PROVIDES REASONABLE PUBLIC NOTICE OR HOLDS A PUBLIC HEARING ABOUT THE CONTRACT.

(2) AS USED IN THIS SUBSECTION, "REASONABLE PUBLIC NOTICE" SHALL MEAN PROVIDING NOTICE TO PARENTS OR GUARDIANS UTILIZING NORMAL SCHOOL COMMUNICATION PROCEDURES AT LEAST 30 DAYS PRIOR TO THE BOARD OF SCHOOL DIRECTORS OR ANY OF THE SCHOOLS UNDER ITS JURISDICTION ENTERING INTO AN EXCLUSIVE COMPETITIVE FOOD OR BEVERAGE CONTRACT, WHICH NOTICE INCLUDES GUIDANCE FOR PARENTS OR GUARDIANS ON HOW TO OFFER PUBLIC COMMENT REGARDING THE CONTRACT.

1        (B) A BOARD OF SCHOOL DIRECTORS OR ANY OF THE SCHOOLS UNDER  
2 ITS JURISDICTION SHALL NOT ENTER INTO ANY CONTRACT PROHIBITING A  
3 SCHOOL DISTRICT EMPLOYE FROM DISPARAGING THE GOODS OR SERVICES  
4 OF THE PARTY CONTRACTING WITH THE BOARD OF SCHOOL DIRECTORS OR  
5 ANY OF THE SCHOOLS UNDER ITS JURISDICTION.

6        (C) (1) NO CONTRACT ENTERED INTO UNDER THIS SECTION MAY  
7 INCLUDE A CONFIDENTIALITY CLAUSE PROHIBITING A BOARD OF SCHOOL  
8 DIRECTORS OR ANY OF THE SCHOOLS UNDER ITS JURISDICTION FROM  
9 MAKING ANY PART OF THE CONTRACT PUBLIC.

10       (2) A CONTRACT ENTERED INTO OR RENEWED UNDER THIS SECTION  
11 SHALL BE MADE ACCESSIBLE TO THE PUBLIC PURSUANT TO SECTION 2 OF  
12 THE ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE  
13 RIGHT-TO-KNOW LAW.

14       (D) THE BOARD OF SCHOOL DIRECTORS SHALL REPORT THE AMOUNTS  
15 AND SPECIFIC SOURCES OF FUNDS RECEIVED AND THE NATURE OF  
16 EXPENDITURES MADE FROM FUNDS RECEIVED FROM A COMPETITIVE FOOD OR  
17 BEVERAGE CONTRACT AT A REGULARLY SCHEDULED BOARD MEETING, A  
18 PUBLIC HEARING OR ON THE SCHOOL DISTRICT'S INTERNET WEBSITE.

19       (E) THE BOARD OF SCHOOL DIRECTORS MAY POST SIGNS PUBLICLY  
20 EXPRESSING THE SCHOOL DISTRICT'S APPRECIATION OF A BUSINESS OR  
21 PERSON THAT SUPPORTS THE SCHOOL DISTRICT'S EDUCATIONAL PROGRAMS.

22       (F) AS USED IN THIS SECTION, THE TERM "COMPETITIVE FOOD OR  
23 BEVERAGE" MEANS ANY FOOD OR BEVERAGES OFFERED OR SOLD IN  
24 COMPETITION WITH REIMBURSABLE MEALS SERVED UNDER THE NATIONAL  
25 SCHOOL LUNCH OR SCHOOL BREAKFAST PROGRAM.

26       SECTION 1337.2. NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE  
27 SALES IN SCHOOLS. (A) (1) PRIOR TO THE COMMENCEMENT OF THE  
28 2006-2007 SCHOOL YEAR, EACH LOCAL EDUCATION AGENCY WITH A SCHOOL  
29 THAT PARTICIPATES IN THE SCHOOL LUNCH PROGRAM SHALL REVIEW THE  
30 NUTRITIONAL VALUE OF ALL FOODS AND BEVERAGES AVAILABLE DURING

<—

~~THE SCHOOL DAY AND ADOPT NUTRITIONAL GUIDELINES FOR ALL FOOD AND  
BEVERAGES AVAILABLE DURING THE SCHOOL DAY. SALES IN SCHOOLS.--~~

(A) (1) PURSUANT TO SECTION 1422.1, EACH LOCAL EDUCATION  
AGENCY WITH A SCHOOL THAT PARTICIPATES IN THE SCHOOL LUNCH  
PROGRAM SHALL ADOPT A LOCAL WELLNESS POLICY THAT INCLUDES  
NUTRITIONAL GUIDELINES FOR ALL COMPETITIVE FOODS AND BEVERAGES  
SOLD DURING THE SCHOOL DAY. THE LOCAL WELLNESS POLICY SHALL  
PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF NUTRITIONAL  
GUIDELINES OVER A THREE-YEAR PHASE-IN PERIOD BEGINNING JULY 1,  
2006, AND ENDING JULY 1, 2009, DURING WHICH TIME LOCAL EDUCATION  
AGENCIES ARE ENCOURAGED TO INCREASE OVER TIME HIGHER NUTRITIONAL  
GUIDELINES FOR COMPETITIVE FOOD AND BEVERAGES AND TO REVIEW THE  
NUTRITIONAL VALUE OF ALL FOODS AND BEVERAGES AVAILABLE DURING  
THE SCHOOL DAY TO ENSURE THAT THE MOST NUTRITIOUS FOOD AND  
BEVERAGE CHOICES ARE AVAILABLE TO STUDENTS. THE NUTRITIONAL  
GUIDELINES SHALL NOT APPLY TO FUNDRAISING EFFORTS APPROVED BY  
SCHOOL DISTRICTS OR TO ACTIVITIES HELD AFTER REGULAR SCHOOL  
HOURS.

(2) SUBSEQUENT REVIEWS OR REVISIONS OF THE NUTRITIONAL  
GUIDELINES MAY OCCUR AT THE DISCRETION OF THE LOCAL EDUCATION  
AGENCY, BUT NOT LESS THAN ONCE EVERY FIVE YEARS.

(3) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13  
(RELATING TO STRATEGIC PLANS) APPLIES SHALL CONDUCT THE REVIEW  
REQUIRED UNDER THIS SUBSECTION PRIOR TO THE SUBMISSION OF THE  
STRATEGIC PLAN REQUIRED UNDER 22 PA.CODE § 4.13.

(B) THE NUTRITIONAL GUIDELINES MAY INCLUDE, BUT SHALL NOT BE  
LIMITED TO:

(1) STANDARDS FOR SCHOOL MEALS AND FOODS OF MINIMAL  
NUTRITIONAL VALUE BEYOND FEDERAL NUTRITIONAL SCHOOL FOOD  
REGULATIONS.

1       (2) RESTRICTIONS ON THE SALE OF COMPETITIVE FOODS, INCLUDING  
2 VENDING MACHINE SALES ON SCHOOL PROPERTY.

3       (C) THE NUTRITIONAL GUIDELINES MAY ENCOURAGE SKIM OR NONFAT  
4 MILK, BUT MAY NOT LIMIT THE VARIETY OF FLUID MILK SALES,  
5 INCLUDING VARIOUS FAT CONTENT, FLAVOR OR LACTOSE-FREE OPTIONS  
6 OFFERED BY THE SCHOOL ON SCHOOL PREMISES OR ANY SCHOOL-SPONSORED  
7 EVENT.

8       (D) BEFORE ADOPTING NUTRITIONAL GUIDELINES, EACH LOCAL  
9 EDUCATION AGENCY TO WHICH THIS SECTION APPLIES SHALL CONSIDER AS  
10 A RESOURCE THE NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS  
11 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 204  
12 OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004  
13 (PUBLIC LAW 108-265, 118 STAT. 729). THE IMPLEMENTATION OF THE <—  
14 RECOMMENDED STANDARDS, IN WHOLE OR IN PART, ADOPTED AS A 1-, 2-  
15 OR 3-YEAR PLAN, ENDING JULY 1, 2009, SHALL FULFILL THE  
16 REQUIREMENTS UNDER SUBSECTION (A).

17       (E) FOR PURPOSES OF THIS SECTION, THE TERMS "SCHOOL" AND  
18 "SCHOOL LUNCH PROGRAM" SHALL HAVE THE SAME MEANINGS AS GIVEN TO  
19 THOSE TERMS IN SECTION 1337.1(D). THE TERM "LOCAL EDUCATION  
20 AGENCY" SHALL HAVE THE MEANING AS GIVEN TO IT IN SECTION 220(C).

21       SECTION 2. SECTION 1402(A) OF THE ACT, AMENDED AUGUST 9,  
22 1963 (P.L.642, NO.340), IS AMENDED TO READ:

23       SECTION 1402. HEALTH SERVICES.--(A) EACH CHILD OF SCHOOL  
24 AGE SHALL BE GIVEN BY METHODS ESTABLISHED BY THE ADVISORY HEALTH  
25 BOARD, (1) A VISION TEST BY A SCHOOL NURSE, MEDICAL TECHNICIAN  
26 OR TEACHER, (2) A HEARING TEST BY A SCHOOL NURSE OR MEDICAL  
27 TECHNICIAN, (3) A MEASUREMENT OF HEIGHT AND WEIGHT BY A SCHOOL  
28 NURSE OR TEACHER, WHO SHALL USE THE MEASUREMENT TO COMPUTE A  
29 CHILD'S WEIGHT-FOR-HEIGHT RATIO, (4) TESTS FOR TUBERCULOSIS  
30 UNDER MEDICAL SUPERVISION, AND (5) SUCH OTHER TESTS AS THE

1 ADVISORY HEALTH BOARD MAY DEEM ADVISABLE TO PROTECT THE HEALTH  
2 OF THE CHILD. VISION TESTS SHALL BE GIVEN AT LEAST ANNUALLY AND  
3 OTHER TESTS AT INTERVALS ESTABLISHED BY THE ADVISORY HEALTH  
4 BOARD.

5 \* \* \*

6 SECTION 3. SECTION 1422 OF THE ACT, AMENDED JANUARY 14, 1970  
7 (1969 P.L.468, NO.192), IS AMENDED TO READ:

8 SECTION 1422. ADVISORY HEALTH COUNCILS.--DISTRICT  
9 SUPERINTENDENTS MAY SET UP ADVISORY HEALTH COUNCILS TO STUDY  
10 HEALTH NEEDS [AND TO]\_ ASSIST IN ORGANIZING FOLLOW-UP PROGRAMS[.  
11 AN] AND PROVIDE RECOMMENDATIONS ON THE DEVELOPMENT OF THE  
12 NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES REQUIRED  
13 UNDER SECTION 1337.2 AND ON THE DEVELOPMENT OF THE LOCAL  
14 WELLNESS POLICY REQUIRED UNDER SECTION 1422.1. TO EVERY EXTENT  
15 POSSIBLE, AN ADVISORY HEALTH COUNCIL SHALL BE COMPOSED OF  
16 DISTRICT REPRESENTATIVES, INCLUDING A SCHOOL ADMINISTRATOR, A  
17 STUDENT AND A SCHOOL FOOD SERVICE PROFESSIONAL, AND  
18 REPRESENTATIVES OF THE MEDICAL AND DENTAL ASSOCIATIONS, SOCIAL  
19 ORGANIZATIONS, [VETERANS' ORGANIZATIONS,] PARENT-TEACHER  
20 ASSOCIATIONS, SERVICE CLUBS, PHYSICAL EDUCATION, HEALTH  
21 EDUCATION, SCHOOL COUNSELING, SCHOOL PSYCHOLOGICAL AND SOCIAL  
22 SERVICES, HEALTH AND WELLNESS PROFESSIONALS, INCLUDING A  
23 CERTIFIED SCHOOL NURSE AND A LICENSED DIETITIAN, AND OTHER  
24 FAMILY AND COMMUNITY ORGANIZATIONS IN THE AREA SERVED. THOSE  
25 MAKING THE MEDICAL AND DENTAL EXAMINATIONS SHALL MAKE TO THIS  
26 ADVISORY COUNCIL AN ANNUAL REPORT, AND LATER A REPORT ON THE  
27 REMEDIAL WORK WHICH HAS BEEN ACCOMPLISHED DURING THE SCHOOL  
28 YEAR.

29 SECTION 4. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

30 SECTION 1422.1. LOCAL WELLNESS POLICY.--(A) NOT LATER THAN

1 THE FIRST DAY OF THE SCHOOL YEAR BEGINNING AFTER JUNE 30, 2006,  
2 EACH LOCAL EDUCATION AGENCY SHALL, PURSUANT TO SECTION 204 OF  
3 THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004 (PUBLIC  
4 LAW 108-265, 118 STAT. 729), ESTABLISH A LOCAL WELLNESS POLICY  
5 FOR SCHOOLS WITHIN THE LOCAL EDUCATION AGENCY.

6 (B) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13  
7 (RELATING TO STRATEGIC PLANS) APPLIES SHALL INCLUDE THE LOCAL  
8 WELLNESS POLICY AS PART OF THE STRATEGIC PLAN REQUIRED UNDER 22  
9 PA. CODE § 4.13.

10 (C) A LOCAL EDUCATION AGENCY MAY SUBMIT ITS LOCAL WELLNESS  
11 POLICY OR INFORMATION ON OTHER INITIATIVES REGARDING CHILD  
12 HEALTH, NUTRITION AND PHYSICAL EDUCATION TO THE DEPARTMENT OF  
13 EDUCATION FOR INCLUSION IN THE CLEARINGHOUSE ESTABLISHED UNDER  
14 SECTION 1422.3(3).

15 SECTION 1422.2. INTERAGENCY COORDINATING COUNCIL FOR CHILD  
16 HEALTH ~~AND NUTRITION~~, NUTRITION AND PHYSICAL EDUCATION.--(A) <—

17 THE SECRETARY OF EDUCATION, THE SECRETARY OF HEALTH AND THE  
18 SECRETARY OF AGRICULTURE SHALL ESTABLISH AN INTERAGENCY  
19 COORDINATING COUNCIL WHICH SHALL ANNUALLY REVIEW ~~AND REVISE THE~~ <—  
20 ~~PENNSYLVANIA NUTRITION AND ACTIVITY PLAN TO PREVENT OBESITY AND~~  
21 ~~RELATED CHRONIC DISEASES.~~, REVISE AND PUBLISH A PENNSYLVANIA <—

22 CHILD WELLNESS PLAN TO PROMOTE CHILD HEALTH, NUTRITION AND  
23 PHYSICAL EDUCATION. THE COUNCIL SHALL BE COMPOSED OF EMPLOYES OF  
24 THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH AND THE  
25 DEPARTMENT OF AGRICULTURE. THE SECRETARY OF EDUCATION SHALL  
26 APPOINT THE CHAIRMAN OF THE COUNCIL.

27 (B) THE SECRETARY OF EDUCATION SHALL ESTABLISH AN ADVISORY  
28 COMMITTEE TO OFFER RECOMMENDATIONS TO THE COUNCIL. THE SECRETARY  
29 SHALL APPOINT NO FEWER THAN EIGHT MEMBERS TO THE ADVISORY  
30 COMMITTEE, WHO MAY INCLUDE EXPERTS FROM THE FIELDS OF HEALTH,

1 EDUCATION, RESEARCH, COMMUNITY DEVELOPMENT AND BUSINESS. THE  
2 ADVISORY COMMITTEE SHALL MEET AT LEAST TWICE ANNUALLY.

3 ~~(C) IN ITS ANNUAL REVIEW AND REVISION OF THE PENNSYLVANIA~~ <—

4 (C) IN THE INITIAL PUBLICATION OF THE PENNSYLVANIA CHILD <—  
5 WELLNESS PLAN TO PROMOTE CHILD HEALTH, NUTRITION AND PHYSICAL  
6 EDUCATION, THE COUNCIL SHALL INTEGRATE THE CONTENTS OF THE

7 PENNSYLVANIA NUTRITION AND ACTIVITY PLAN TO PREVENT OBESITY AND  
8 RELATED CHRONIC DISEASES, THE COUNCIL SHALL REVISE THE PLAN TO <—  
9 INCLUDE AND SHALL INCLUDE ADDITIONAL RECOMMENDATIONS REGARDING: <—

10 (1) NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGES SOLD IN  
11 SCHOOLS.

12 (2) LOCAL WELLNESS POLICIES.

13 (3) PHYSICAL EDUCATION CURRICULUM.

14 (4) TEACHING ABOUT NUTRITION AND OBESITY.

15 (5) THE UTILIZATION OF ANY FEDERAL FUNDS IDENTIFIED BY THE  
16 COUNCIL THAT MAY BE AVAILABLE TO LOCAL EDUCATION AGENCIES TO  
17 ENHANCE INITIATIVES REGARDING CHILD HEALTH, NUTRITION, PHYSICAL  
18 EDUCATION, LOCAL WELLNESS POLICIES AND ADVISORY HEALTH COUNCILS.

19 (6) A PROCESS THROUGH WHICH THE SECRETARY OF EDUCATION MAY  
20 MONITOR AND EVALUATE ANY OUTCOMES THAT MAY RESULT FROM THE  
21 IMPLEMENTATION OF INITIATIVES REGARDING CHILD HEALTH, NUTRITION,  
22 PHYSICAL EDUCATION, LOCAL WELLNESS POLICIES AND ADVISORY HEALTH  
23 COUNCILS.

24 (D) THE COUNCIL SHALL SUBMIT THE REVISED PLAN TO THE <—  
25 SECRETARY OF EDUCATION, THE SECRETARY OF HEALTH AND THE  
26 SECRETARY OF AGRICULTURE NO LATER THAN MAY 1, 2007, AND MAY 1 OF  
27 EACH YEAR THEREAFTER. THE SECRETARY OF EDUCATION SHALL SUBMIT  
28 THE FINAL REVISED PLAN TO THE GOVERNOR, THE PRESIDENT PRO <—  
29 TEMPORE OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE  
30 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER

1 OF THE HOUSE OF REPRESENTATIVES BY JUNE 1, 2007, AND JUNE 1 OF  
2 EACH YEAR THEREAFTER. THE FINAL REVISED PLAN SHALL BE INCLUDED <—  
3 ON THE DEPARTMENT OF EDUCATION'S, DEPARTMENT OF HEALTH'S AND  
4 DEPARTMENT OF AGRICULTURE'S INTERNET WEBSITES.

5 SECTION 1422.3. DUTIES OF DEPARTMENT OF EDUCATION.--THE  
6 DEPARTMENT OF EDUCATION SHALL, IN ORDER TO PROMOTE INITIATIVES  
7 REGARDING CHILD HEALTH, NUTRITION AND PHYSICAL EDUCATION:

8 (1) TO EVERY EXTENT POSSIBLE, INCLUDE PROGRAMS RELATED TO  
9 CHILD HEALTH, NUTRITION AND PHYSICAL EDUCATION AS PART OF THE  
10 CONTINUING PROFESSIONAL EDUCATION COURSES, PROGRAMS, ACTIVITIES  
11 OR LEARNING EXPERIENCES REQUIRED UNDER SECTION 1205.2(F).

12 (2) COLLABORATE WITH THE DEPARTMENT OF HEALTH TO APPLY FOR  
13 FEDERAL FUNDS RELATED TO COORDINATED SCHOOL HEALTH FUNDING TO  
14 ENHANCE INITIATIVES REGARDING CHILD HEALTH, NUTRITION, PHYSICAL  
15 EDUCATION, LOCAL WELLNESS POLICIES AND ADVISORY HEALTH COUNCILS.

16 (3) ESTABLISH A CLEARINGHOUSE OF WELLNESS POLICIES AND  
17 INFORMATION REGARDING CHILD HEALTH, NUTRITION AND PHYSICAL  
18 EDUCATION SUBMITTED TO THE DEPARTMENT BY LOCAL EDUCATION  
19 AGENCIES PURSUANT TO SECTION 1422.1(C). SUCH INFORMATION SHALL  
20 BE MADE AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.

21 (4) TO EVERY EXTENT POSSIBLE, MAINTAIN INFORMATION RELATED  
22 TO TEACHING ABOUT NUTRITION AND OBESITY, WHICH INFORMATION SHALL  
23 INCLUDE CONCEPTS OF HEALTHY EATING, INCLUDING NUTRIENT DENSITY  
24 AND PORTION CONTROL, AND THE PHYSICAL, PSYCHOLOGICAL AND  
25 NUTRITIONAL CAUSES OF OBESITY. SUCH INFORMATION SHALL BE MADE  
26 AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.

27 SECTION 1512.1. PHYSICAL EDUCATION.--(A) THE BOARD OF <—  
28 SCHOOL DIRECTORS IN EVERY SCHOOL DISTRICT SHALL ESTABLISH A  
29 CURRICULUM ALIGNED WITH PENNSYLVANIA ACADEMIC STANDARDS ON <—  
30 HEALTH, SAFETY AND PHYSICAL EDUCATION THAT, PURSUANT TO 22 PA.

1 CODE § 4.27 (RELATING TO PHYSICAL EDUCATION AND ATHLETICS),  
2 REQUIRES PUPILS ENROLLED IN THE DISTRICT TO PARTICIPATE IN  
3 PHYSICAL EDUCATION.

4 ~~(B) ANY PHYSICAL EDUCATION CURRICULUM ESTABLISHED UNDER THIS~~ <—  
5 ~~SECTION SHALL INCLUDE SUITABLE ADAPTED PHYSICAL EDUCATION FOR~~  
6 ~~STUDENTS WHO ARE MEDICALLY UNABLE TO PARTICIPATE IN REGULAR~~  
7 ~~PHYSICAL EDUCATION INSTRUCTION OR ACTIVITIES.~~

8 SECTION 5. SECTION 1513 OF THE ACT IS AMENDED TO READ:

9 SECTION 1513. PHYSIOLOGY AND HYGIENE.--PHYSIOLOGY AND  
10 HYGIENE, WHICH SHALL IN EACH DIVISION OF THE SUBJECT SO PURSUED  
11 INCLUDE SPECIAL REFERENCE TO THE EFFECT OF ALCOHOLIC DRINKS,  
12 STIMULANTS, AND NARCOTICS UPON THE HUMAN SYSTEM, AND WHICH SHALL  
13 ALSO INCLUDE SPECIAL REFERENCE TO TUBERCULOSIS AND ITS  
14 PREVENTION, AS WELL AS NUTRITION AND OBESITY, SHALL BE  
15 INTRODUCED AND STUDIED AS A REGULAR BRANCH BY ALL PUPILS IN ALL  
16 DEPARTMENTS OF THE PUBLIC SCHOOLS, AND IN ALL EDUCATIONAL  
17 INSTITUTIONS SUPPORTED WHOLLY OR IN PART BY APPROPRIATIONS FROM  
18 THIS COMMONWEALTH.

19 SECTION 6. THIS ACT SHALL TAKE EFFECT JULY 1, 2006, OR  
20 IMMEDIATELY, WHICHEVER IS LATER.